

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTHONY L. FLETCHER, #N-53796,)

Plaintiff,)

vs.)

CIVIL NO. 10-635-GPM

DAVID A. REDNOUR, RANDLE,)

GAETZ, WARDEN SPILLER, IMMEN,)

BETSY SPILLER, FUNK,)

Defendants.)

MEMORANDUM AND ORDER

MURPHY, District Judge:

On February 4, 2011, having found that the Plaintiff had accumulated three prior strikes for purposes of Section 1915(g), this Court entered an order that Plaintiff must fully pay the required filing fee of \$350 within fifteen (15) days of this Court's order, and that failure to comply with the order would result in dismissal of this case. (Doc. 5) More than fifteen (15) days have since passed and the Plaintiff has not paid the filing fee as ordered. As a result, this case is **DISMISSED** without prejudice for failure to comply with an order of this Court. FED. R. CIV. P. 41(b); *see generally, Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). Defendants **Rednour, Randle, Gaetz, Warden Spiller, Immen, Betsy Spiller and Funk** are **DISMISSED** from this action without prejudice.

In addition, Plaintiff has now accumulated unpaid filing fees with this Court of \$700, for the filing of the instant action and case No. 10-cv-592-MJR, *Fletcher v. Lt. Beninger, et al.* Therefore, Plaintiff is hereby **ORDERED TO SHOW CAUSE** why the Court should not restrict Plaintiff from filing any further actions in this Court until such time as Plaintiff pays the \$350 filing fee for this action and the outstanding \$350 owed for his previously filed action in

full. *See Newlin v. Helman*, 123 F.3d 429, 437 (7th Cir. 1997) (citing *Support Sys. Int'l, Inc. v. Mack*, 45 F.3d 185 (7th Cir. 1995)) ("A prisoner who becomes ineligible under § 1915(g) to continue litigating *in forma pauperis*, and who then files additional suits or appeals yet does not pay the necessary fees, loses the ability to file future civil suits."), *overruled on other grounds by Lee v. Clinton*, 209 F.3d 1025 (7th Cir. 2000); *Sloan v. Lesza*, 181 F.3d 857, 859 (7th Cir. 1999) ("[U]npaid docket fees incurred by litigants subject to § 1915(g) lead straight to an order forbidding further litigation.").

Tender by Plaintiff of the full \$700 in outstanding fees for this action and case 10-592-MJR to the Clerk of the Court within forty-five (45) days from the date of entry of this Order (on or before April 15, 2011) shall be deemed by the Court to discharge Plaintiff's duty to show cause under this order.

The Clerk shall **CLOSE THIS CASE**.

IT IS SO ORDERED.

DATED: 2/24/2011

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge